

Sep 22, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL VILLANUEVA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 4:17-CV-5043-JTR

ORDER GRANTING UNOPPOSED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 14. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Michael Howard represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Unopposed Motion for Remand, **ECF No. 14**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

If the Commissioner does not issue a fully favorable decision, the administrative law judge (ALJ) shall hold a *de novo* hearing on remand, update the record as necessary, and issue a new decision. On remand, the ALJ shall: (1)

reevaluate the medical opinion evidence, including the opinions of Dr. Valdez and Dr. Cooper; and (2) reevaluate the lay witness statement of Misty Villanueva. The ALJ may take any other actions necessary to develop the record, and Plaintiff may submit additional evidence and present additional argument.

**2. Judgment shall be entered for PLAINTIFF.**

3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is

## STRICKEN AS MOOT.

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED September 22, 2017.



*M*

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE